

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46888 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- MURLIGANJ District- Madhepura

Parvin Sah @ Babaji Sah Sonof Late Kalo Sah Resident of Village - Murliganj Ward No.8, P.s.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Murliganj P.S. Case No.137 of 2022 registered for the offence under Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 18.05.2022.

The allegation against the petitioner is to assault the son of the informant and others alongwith other co-accused persons, while equipped with iron rod, lathi, dabia etc., causing multiple injuries having intention to cause their death.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and during the course of investigation, statement of injured was



also not recorded and under such circumstances it is difficult to suggest that, who is the author of injuries as alleged to be received by the son of informant during the course of occurrence. It is further submitted that 3 lacerated wounds were noticed upon injured out of which injury no.1 and 2 found simple, whereas injury no.3, which was found near left eye-brow appears grievous, creating a doubt, in the background of allegation as injured was alleged to be assaulted by several co-accused persons with dabia, lathi, iron rod etc.,. It is also pointed out that the present F.I.R. was lodged after the delay of 6 days without having any just explanation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as statement of injured is not available in the background, where informant is not the eye witness of the occurrence and also by taking note of the nature of injury coupled with the fact charge-sheet has already been submitted, where petitioner is in



custody since 18.05.2022, let above named petitioner is directed to be released on bail in connection with Murliganj P.S. Case No.137 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Class-I, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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